IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 29722 of 2007(L)

PETITIONER:

SUGANDHI, W/O. MOHANAN NAIR,
MOHANA VIHAR, ERAYAMCODE, CHERIYAKONNI P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   THE HOME SECRETARY, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **DIRECTOR GENERAL OF POLICE,**
   POLICE HEADQUARTERS, VAZHUTHACAUD,
   THIRUVANANTHAPURAM.

3. **DEPUTY SUPERINTENDENT OF POLICE,**
   D.C.R.B., THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.29722 of 2007-L

Judgment

Balakrishnan Nair, J.

The petitioner is a house-wife. Her son is involved in a criminal case. He is absconding as the application for anticipatory bail filed by him was rejected. So the Police is making unscheduled visits at odd hours to the residence of the petitioner. She is being abused and harassed by the Police. Therefore, she has filed this Writ Petition, seeking a direction to the 3rd respondent Deputy Superintendent of Police, not to harass her and her family members in connection with the investigation of Crime NO.81/07 of Vattiyoorkavu Police Station.

2. The learned Government Pleader upon instruction submitted that the petitioner's husband Shri.Mohanan Nair is a flower vendor in Thozhuvancodu Bhagavati temple. There was some dispute between him and the office bearers of the committee,managing the temple. So, he planted some arrack in the residential compound of one Mr.Sathyanesan, who is a colleague of the Secretary of the temple committee. Later, the Police was informed of the

arrack and the said Sathyanesan was arrested for various offences under the Abkari Act. The people of the locality held a hartal for arresting an innocent person. Later, a re-investigation was conducted and it was found that the petitioner's husband was responsible for planting the arrack there. Therefore, the said Sathyanesan was released and the petitioner's husband Shri.Mohanan Nair and another were arrested. They are in judicial custody now. The local people's agitation was led by one Shri.Vijayakumar. The petitioner's son attacked him and a crime was registered against him under various offences including those under Sections 307 IPC and 27 of the Arms Act. Now, he is absconding. He has moved this Court thrice for anticipatory bail, it is submitted. The Police thinks that the petitioner's son is visiting his home during odd hours and therefore, the Police are coming to the petitioner's residence. The allegation of the petitioner that she is being harassed by the Police is emphatically denied by the learned Government Pleader . Since the petitioner's husband and son are accused in criminal cases, her claim against police action as far as those persons are concerned, cannot be accepted. But, we record the submission of the Police that the petitioner is not being harassed. In case the petitioner's presence is necessary in connection with the

investigation of any of the aforementioned crimes, she shall be issued with notice under the provisions of the Cr.PC. The above direction will not, in any way affect the powers of the Police, investigating the crimes already registered and those which may be registered in future.

The Writ Petition is disposed of with the above observation.

K.BALAKRISHNAN NAIR,JUDGE

15.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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